

United States District Court

EASTERN DISTRICT OF VIRGINIA
401 COURTHOUSE SQUARE
ALEXANDRIA, VIRGINIA 22314-5799

CHAMBERS OF
LEONIE M. BRINKEMA
DISTRICT JUDGE

TELEPHONE (703) 299-2116
FACSIMILE (703) 299-2238

May 26, 2015

Mr. Charles J. Hyde
3300 S. Tamarac Dr., Apt. K315
Denver, CO 80231

Re: Murr, et al. v. Capital One Bank (USA), N.A., 1:13cv1091 (LMB/TCB)

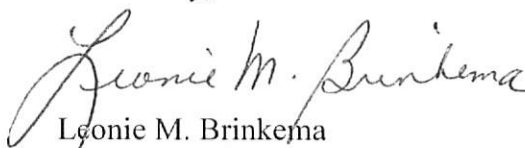
Dear Mr. Hyde:

In your letter you question why every class member is not receiving the same amount as the plaintiff who brought the lawsuit on behalf of the class. It is standard practice in class action litigation to recognize the particular effort and risk the representative plaintiff or plaintiffs take in bringing such litigation. For example, Ms. Murr had to respond to discovery demands from the defendant, which included responding to interrogatories and document requests, and had to spend time consulting with counsel.

Because you indicate that you are dissatisfied with the amount class members will receive, and suggest that a fairer number would be \$500, it is not clear whether you are opting out of the settlement. The settlement agreement is not negotiable. Class members must either accept it as it is or they may opt out. If a person opts out he maintains the right to pursue his own individual lawsuit against the defendant. If you want to retain that option you need to make clear that you are opting out. You may want to consult with an attorney as to whether you could still file a lawsuit within the applicable statute of limitations and what damages you might be able to obtain through such an individual action. The Court cannot give you advice on that issue.

If within fourteen (14) days you do not send a clear notice that you are opting out of the settlement in accordance with the directions you received when you received notice of the pending settlement, you will be deemed to have accepted the settlement.

Yours truly,



Leonie M. Brinkema
United States District Judge